

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	Case No. 04-cr-10379-JLT
)	
PETERSON DUMORNAY and)	
JUDE CELESTIN)	
)	
)	

JOINT MOTION TO CONTINUE STATUS CONFERENCE AND TO EXCLUDE TIME

The parties jointly move for a continuance from July 14, 2005 until August 25, 2005 of the final status conference in this case. As grounds therefore, the parties state that the discovery in this case is complicated and voluminous, as it involves, among other things, the analysis of the records of hundreds or thousands of telephone calls to determine the number, date, and length of calls between and among the defendants and one or more unindicted co-conspirators. As a consequence, the parties need this additional time to complete the discovery in a manner that would be useful for the defendants. Moreover, the parties respectfully request that the Court exclude the period of time from July 14, 2005 through August 25, 2005. As grounds therefore, the parties state that this is a complicated case with novel questions of fact pursuant to 18 U.S.C. § 3161(8)(B)(ii), which requires additional time for discovery as described above.

WHEREFORE, the parties respectfully request that, under 18 U.S.C. §§3161(h)(8)(A), 3161(h)(8)(B)(ii)and(iv) and §5(c)(1)(A) of Plan for Prompt Disposition of Criminal Cases of this Court, that this Court find, based on the above, that the ends of justice served by granting the requested continuance and exclusion outweigh the best interest of the public and the defendant in a speedy trial, and, accordingly, grant the continuance as requested above and exclude the above period in computing the time within which trial must commence under 18 U.S.C. §3161.

Respectfully Submitted,

PETERSON DUMORNAY
By His Attorney

JUDE CELESTIN
By His Attorney

/s/ Roger Witkin (by SPB)
ROGER WITKIN, Esq.
(617) 523-0027

/s/ Marty Lepo (by SPB)
MARTY LEPO, Esq.
(508) 580-3733

MICHAEL J. SULLIVAN
United States Attorney
By:

/s/ Seth P. Berman
SETH P. BERMAN
Assistant U.S. Attorney

DATED: July 12, 2005